1887-041 Chancery Causes: John C. Pennington & vs. Stephen Parsons &
Lee Co.

Bailey, Combs, Dalton, Robbins, Huffman, Tritt, Morgan 1 Plat

CA-Estate Dispute
T-Property

-Deed

To the Hon. H. S. K. Morison Judge of the Circuit Court of Lee County Virginia

Humbly complaining your Orators and Oratrices John B. Pennington, Green B. Pennington A. D. Robbins and Polly Robbins his wife, James A. Robbins and Rebecca Robbins his wife, Tyler Robbins and Martha Robbins his wife, and Anderson Robbins and Lavina Robbins his wife, would respectfully represent that one Charles Pennington several years ago departed this life intestate in the said county of Lee leaving your two Male and four female Complainants his children and heirs at law, and he also left a widow to wit Deannah Pennington surviving him

Complainants state that by patent bearing date July the 1st 1820 and herewith filed Marked (A.) there was granted by the Commonwealth of Virginia to one Isaac Hughes a tract of land lying and being in said county of Lee on the north side of the Stone Mountain, in the Brabrchard country supposed at the time to contain 100 acres but which in fact contains 172 acres, as ascertained by a survey recently made thereof, and this recent survey and the actual boundaries thereof is shown by a plott thereof herewith filed as a part of this bill Marked (B).

Complainants further state that by deed dated the 28th day of Oct 1828 a copy of which is here filed Marked (C) the said Isaac Hughes sold and conveyed said tract of land so granted to him to one Samuel Parsons;

Complainants further state that some time after this last

conveyance was made, the said Samuel Parsons died intestate in said county, leaving a widow who soon thereafter also died, and the following children his heirs at law to wit Stephen Parsons[1], Joseph Parsons[2], John Parsons[3], Mary Parsons[4] who intermarried with Jesse Bailey, Elizabeth Parsons[5] who married Harvey Combs, Sarah Parsons[6] who married Peter Dutton, Deamah Parsons[7] who married the said Charles Pennington dec'd, and James Parsons[8].

Complainants further state that after the death of said Samuel Parsons, and before the marriage of the said Deamah Parsons to the said Charles Pennington, the said Stephen Parsons purchased from all his brothers and sisters, his co-parceners, their undivided interest in the said tract of land conveyed to said Samuel Parsons by said Isaac Hughes and by these purchases all of which have long since been fully paid paid for, the said Stephen Parsons became the sole owner of said tract of land;

Complainants further state that after the said Deamah Parsons had sold her interest in said tract of land to her brother Stephen Parsons she married the said Charles Pennington and hereon she is the mother, and mother in law of complainants and the widow of said Charles Pennington dec'd.

Complainants further state that by a writing bearing date March the 15 1853 and herewith filed marked (D) the said Stephen Parsons bargained and sold said tract of land to the said Charles Pennington for the sum of $700.00 all of which has long since been paid!

Complainants further state that at or before the date of the last mentioned writing the said Charles Pennington took possession of said tract of land claiming it as his, and so continued until his death, and since that time, your complainants and his widow have continued that possession & claiming to be the owners thereof & are still in the uninterrupted possession thereof.

Complainants further state that no title, or deed of conveyance can now be found, by which the said 7 coparceners conveyed their undivided interest in said land to said Stephen Parsons nor can any deed be found by which said Stephen Parsons conveyed the same to said Charles Pennington, so that the legal title to said land is still in the said Stephen Parsons Joseph Parsons[2], John Parsons[3] Mary Bailey[4], Elizabeth Combs[5], Sarah Dallas[6], Dreamel Pennington and James Parsons[8] & their descendants.

Complainants further state that said Stephen Parsons by affidavit herewith filed marked (E) swears that a deed of conveyance was once made, for said land but that the same is lost or mislaid so that it cannot now be found.

The affidavits of Jas Parsons and Lui Pennington herewith filed marked (F.) & G. identify the said tract of land.

Complainants further state that said Stephen Parsons, Joseph Parsons, Jesse Bailey and Mary Bailey are nonresidents of the state of Virginia; The said John Parsons many years ago moved from the state of Virginia and died, leaving ~~leaving~~ children who are unknown, and are non-residents.

The said Harvey & Elizabeth Combs also many years ago left the state of Virginia and died leaving children their whose number and names are unknown, who are non-residents; The said Peter and Sarah Dalton likewise many years ago left the state of Virginia and died leaving children and heirs at law, whos names and the number thereof are unknown, who are non-residents.

The said James Parsons likewise died in this county a few years ago leaving the following children his heirs at law to wit Jasper N. Parsons[1] James S. Parsons[2], F. M. Parsons[3] Wm S. Parsons[4] John M. Parsons[5], Samuel D. Parsons[6], Josiah Parsons[7] Mary A. Parsons[8] now the wife of A. J. Bailey, Martha Parsons[9] now the wife of Charles A. Huffman & Rebecca Parsons[10] now the wife of James E. Irvitt.

Complainants are advised that under the facts of the case they are entitled to have a conveyance of the legal title to said tract of land made to them as the heirs at law of said Charles Pennington dec'd subject to the dower of the said Diamah Pennington therein and to obtain that end is the object of this suit.

The premises considered Complainants pray that the said Stephen Parsons, Joseph Parsons, Jesse Bailey Mary Bailey, the unknown heirs at law of John Parsons dec'd, the unknown heirs at law of Harvey & Elizabeth Combs dec'd, the unknown heirs at law of Peter & Sarah Dalton dec'd. Diamah Pennington, Jasper Parsons James S. Parsons F. M. Parsons, Wm S. Parsons John M. Parsons, Saml D. Parsons

Josiah Parsons, A. J. Bailey Mary A. Bailey, Charles A. Huffman. Martha Huffman James E. Tritt and Rebecca Tritt be made defendants to this bill and be required to answer the same fully and truly on Oath. That an order of publication be entered posted and published against the said Stephen Parsons. Joseph Parsons. Jessee Bailey, Mary Bailey the unknown heirs of John Parsons dec'd, the unknown heirs of Harvey and Elizabeth Conds dec'd, and the unknown heirs of Peter and Sarah Dalton dec'd. And on a hearing of the cause a decree be entered divesting said defendants of the legal title and investing the same in a commissioner and he directed to convey the same to the complainant and if in any wise mistaken in this their special prayer, then complainants pray for all general relief May the Commonwealth's writ of Sp. issue directed &c.

A. J. Morgan of Mr. Morgan for Pltff.

C 6.99 Paid
S 5.50
Dr. 5.00 + Paid
Lo b .50
A 15.00
$32.99
2.50
7 | 35.49
$5.07

John C. Pennington et al

vs. } Bill in Eq
}
Stephen Parsons et al

1887 July Bill fld & Sum
Exd + D Nisi as to home
Defts Order Sub as
to non residents
1, Aug. D Nisi Confd
Order Sub - Compldd
+ Cause set for hearing
11 Aug. Term Decree final.

John C. Pennington & others Pltffs.
vs.
Stephen Parsons & others. Defts.
} In Eqty

This cause came on this day to be finally heard on the papers heretofore read in the cause, and the report of Special Comr. H. J. Morgan filed in the cause during the present term, showing the execution of a deed of conveyance by said Comr. on the part of the Defendants to the Pltffs. of the legal title to the tract of land in the bill mentioned, and was argued by counsel. And said report and deed being examined, On consideration of all which It is adjudged ordered and decreed that said report and deed be confirmed, and the clerk of this court deliver to the clerk of the county court said deed for recordation and the Pltffs will pay said Comr. Morgan $2.50 for the execution of said deed, and no further action being necessary in the cause, the parties are hereby dismissed & the cause stricken from the docket.

John C. Pennington et al

vs. } Decree No. 2 final

Stephen Parsons et al

Entered page 69
C. O. Book No. 3.
J. A. G. Hyatt c.c.

Enter this
H. A. K. Ma
Sept 1 at 1867

John B. Pennington & others Pltffs
vs. } In Chy
Stephen Parsons & al Defts

This cause came on this day to be heard on the bill of the Pltffs. and exhibits thereunto taken for confessed by all the defendants. and was argued by counsel. And it appearing to the court that the plaintiffs as heirs at law of Charles Pennington decd. are entitled to have conveyed to them by proper deed the legal title to the tract of land in the bill mentioned, It is therefore adjudged ordered and decreed that said defendants be divested of the legal title to said land and the title to the same is hereby invested in Henry J. Morgan who is now appointed a commissioner for the purpose and is ordered to convey on the part of all the defendants to the children of Charles Pennington decd the legal title to the tract of land in the bill mentioned according to the metes and bounds as shown by exhibit (B) with the bill with covenants of special warranty, and subject to the dower therein of Diannah Pennington the widow and said comr. will report his action to the court and the cause is continued until the coming in thereof.

John B. Pennington et al

vs. } Decree No. 1

Stephen Parsons et al

Entered page 43 on
C.O. Book No 3.

J. A. G. Wyatt c.c.

Entered this
14. D. K. M.
Aug 30th 1887.

Virginia

Lee County to wit:-

Henry J. Morgan this day appeared before me and made oath that, Stephen Parsons Joseph Parsons, Jesse Bailey and Mary Bailey his wife, The unknown heirs at law of John Parsons decd, The unknown heirs at law of Harvey and Elizabeth Combs decd, The unknown heirs at law of Peter and Sarah Dalton decd, defendants in the Chancery Cause of John C. Pennington et al vs Deanna Pennington et al are non residents of the State of Virginia, Given under my hand this 1st July 1887.

J. H. S. Hyatt C.C.

Object of suit is to obtain a legal title to the tract of Land in the Bill mentioned.

John C. Pennington
vs } Affidavit
Diannah Pennington

Filed July 1st 1887
J. A. Sibbyatt C.

virginia lee co to wit

this day stephen parsons personally appeard
Before me John P Page a justic of the peace
in and for lee County state virginia and
made oath to a certain corner on a
tract of land once owned by the said
Stephen Parsons and he sold the same to charls
Pennington on a white oak on a north
hill on a flat it Being a corner that the
said stephen parsons showed to edward
Pennington senior and he same acknowledge to Be one
of the true corner of the land that charls
Pennington owned when he ~~decest~~ deceased
and also north west course to a white
oak ~~trees~~ maple and shugar tree in a Ballanon
the west side of James Creek it Being one
of the corners of the above stated tract
of land the said stepen parson also states
that he the said stepen Parsons Bought of
the heirs of samuel Parsons their entire Right
which he the said stephen parsons sold to
charls Pennington and the said Stephen Parsons further
states that he had a Deed to this tract of land acknowledge
By the heirs of samuel Parsons Entire and laid it in the
clerks office and Paid for the Recording of deed But never
have seen deed nor money since he further states that he
gave his Bond for right to Charles Pennington for the
the said tract of land

given under my hand this the 23 day of -
august 1882 sworn before me

John P. Page JP

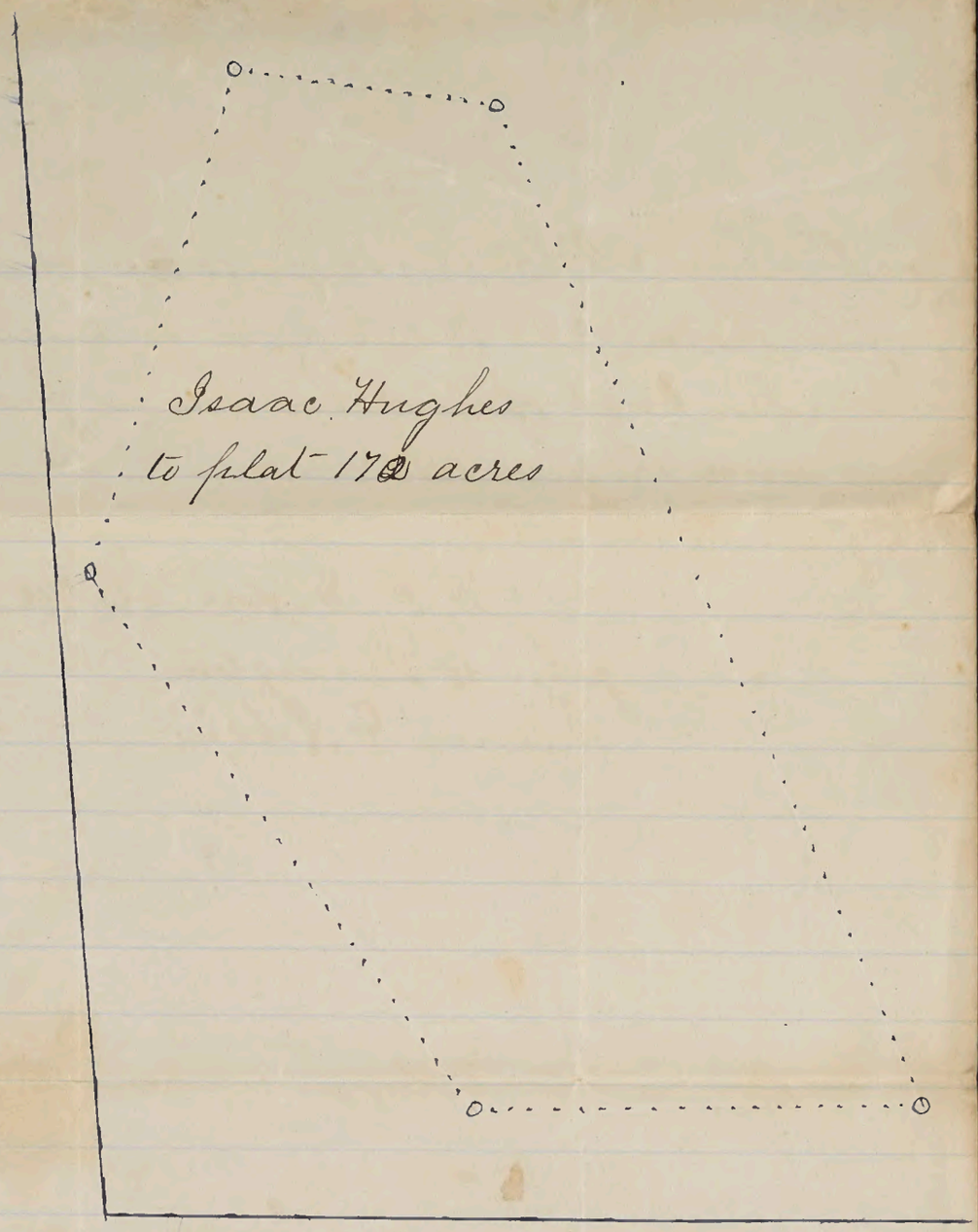
Stephen Parsons

Certificate

(E)

Stephen Parsons

affidavit



There is granted by the Commonwelth of Virginia
unto Isaac Hughs a track or parcel of land bearing
date by patent the 13 day of April 1818
and we the undersigned entered a pon said land on
Jne the 3. 1887 with chain and Compass &c
after taking in proper consideration of the Compass knuckle
we began surveying we found the old corners of the said
Survey which had bin eydentifyed by the former owners
and the said track or parcel of land bounded as follows
to wit: begining at a beach and white oak on the east bank
of the meadow branch thence S25 E 60 poles to a poplar
Gum and white oak at ford of Jones creek thence N 85
E 128 poles to a white oak thence N 18 E 156 poles to a white

oak thence N 35 W 108 poles to a white oak and
maple thence S 40 W 250 poles to the begining
the above track of land has bin in peaceble posesion
ever sence the year 1816
this. June the 4. 1887

H. P. Dixon. C. M.
John C Pennington
William G. Robbins

Isaac Hughs
to. Plat

(B)

Platt of Isaac Hughs
Survey

John C. Pennington & others Pltffs.
vs. } In Chy
Stephen Parsons & others Defts

To the Hon H.S.K Morison Judge of the Circuit Court of Lee County Virginia

Pursuant to your decree entered in this cause, on the 30th day of Augt 1887, I have made executed and acknowledged for record a deed, with covenants of Special warranty conveying to the Pltff as the heirs at law of Chas. Pennington decd from the defendants as heirs at law of Samuel Parsons decd the tract of land in the bill mentioned, and said conveyance is made subject to the dower of Deborah Pennington thereon. And said deed is herewith filed marked (A B)

Respectfully Submitted

Henry J. Morgan Comr.

Augt 30 1887.

John C. Pennington et al

vs. } Cont. Refect of deed.

Stephen Parsons & others.

Filed in ofsm court Augt 31/87

J. Ols Hyatt c c

Isaac Hughs hath title to the within granted Land

Wm. G. Pendleton Reg. Off

Thomas M. Randolph Esqr. **Governor of the Commonwealth of Virginia:**

To all to whom *these presents shall come,* **Greeting: Know Ye,** *That in conformity with a Survey made on the thirteenth day of April 1818, by virtue of a Land Office Treasury warrant Number 5588 issued the 14th February 1816;*

there is granted by the said Commonwealth, unto

Isaac Hughs

A certain Tract or Parcel of Land, containing One hundred acres *Situate in the County of Lee on the North side of the Stone Mountain and bounded as followeth Viz:* Beginning at a white Oak and beech on the East bank of the Meadow branch a small distance above the mouth, running thence S. 25° E. 60 poles to a poplar gum and white Oak at the ford of Jones Creek, thence N. 85° E. 128 poles to a white Oak on the top of a ridge, thence S. 5° W. 132 poles to a white Oak in a holow, thence N. 80 W. 70 poles to a dogwood and white Oak, and thence N. 35° E. 125 poles to the Beginning.

To have and to hold *the said Tract or Parcel of Land with its appurtenances, to the said* Isaac Hughs *and his heirs forever.*

In Witness whereof, *the said* Thomas M. Randolph Esqr *Governor of the Commonwealth of Virginia, hath hereunto set his Hand, and caused the lesser Seal of the said Commonwealth to be affixed at Richmond, on the* first *day of* July *in the year of our Lord one thousand eight hundred and* twenty *and of the Commonwealth the* forty fourth.

Thos. M. Randolph

Isaac Hughes

100 acres

Lee

Recorded and

Book No. 6 page 254.

(A)

This Indenture made this 28th day of October in the year of our Lord one thousand Eight hundred and twenty eight between Isaac Hughes and Jane his wife of Lee county and State of Virginia. of the one part and Samuel Parsons of the State & county aforesaid of the other part, Witnesseth that the sd. Isaac Hughes and Jane his wife in consideration of one hundred dollars of lawful money of this commonwealth to them in hand paid by the sd. Samuel Parsons at or before the ensealing and delivery of this presents the receipt whereof is hereby acknowledged have bargained and sold and by these presents do an each of them doth bargain and sell unto the sd. Samuel Parsons his heirs and assigns a certain tract or parcel of land lying and being in the county of Lee and State of Virginia on the North side of the Stone Mountain containing one hundred acres and bounded as followeth to wit:- Beginning at a white oak and beach on the East bank of the meadow branch a small distance above the mouth running thence S 25° E 60 poles to a poplar gum & white oak at the ford of Jones Creek thence N 85 E 120 poles to a white oak on the top of a ridge thence S 1° W 132 poles to a white oak in a hollow thence N 80° W 70 poles to a dogwood & white oak thence N 85° E 125 poles to the Begining together with all and the reversion & reversions remainder & remainders yearly & other rents Issues & profits thereof and of

every part and parcel thereof to have & to hold the said one hundred acres of land with the tenements hereditaments and all and singular other the premi-ces hereinbefore mentioned or intended to be bargained and sold and every part & parcel thereof with every of there rights members and appurtenances unto the sd. Samuel Parsons his heirs & assigns forever to and for the proper use and behoof of him the said Samuel Parsons his heirs and assignes forever and the said Isaac Hughes and Jane his wife for themselves and their heirs the sd. one hundred acres of land with all and singular the premises & appurtenances before mentioned unto the sd. Samuel Parsons his heirs & assigns free from the claim or claims of them the sd. Isaac Hughes and Jain his wife or other of them or either of their heirs and from no other persons shall well and do warrant and forever defend by these presents in witness whereof the sds. Isaac Hughs, and Jane his wife have hereunto set there hands & seals the day & year first above written

Isaac Hughes (seal)

Signed sealed & delivered in presents of.

A copy Teste

John R. Gibson Clerk.

Samuel Parsons

From } Copy of Deed.

Isaac Hughes

Deed Book No 6 P 37

(6)

Fee for this copy 50¢

Articles of agreement made and entered into this
21st day of March 1853 between Stephen Darsons
Of the one part and Charles Pennington of the other
Part as follows in consideration of the sum of
Dollars to be paid as is hereof inafter mentioned
The said Darsons doth for himself his representa
tives and assigns covenant promas and agree to and
With the said Pennington his representatives and
and assigns by these presents that he the said
Darsons shall and will on or before the day of
Sent at the proper costs and charges of the said
Darson and his representatives well and sufficient
Grant convey and affirm by good and sufficiently
Deed unto the said pennington and his representatives
In fee simple clear of all incumbrance all that parcel
containing one hundered acres lying in the county of Lee
Afforesaid on Joneses creek in consideration whereof the
said Pennington for himself and his representatives
Doth hereby covenant promis and agree to and with
the said Darsons or his representatives by these
presents that he the said Pennington and his represen
tative shall and will well and truly pay or cause
to be paid unto the said Darsons or his representatives
the sum of $700. dollars and for the true performance
of all and every the covenants and agreements afore
said each of the said parties to this instrument
binds himself and his representatives and assigns
unto the other his representatives and assigns
in the penal sum of $1400 dollars in Witness
whereof we have hereunto set our hands and
Seals

Ananias L Robbins — Stephen Darsons (Seal)

Atest

Joseph J Kelly — Charles Pennington (Seal)

Stephen Parsons.

To } Tittle Bond.

Charles Pennington

(D)

Ill lee Court to keep the [illegible]

of Virginia lee County to wit

I do hereby Certify that James Parsons personally appeard Before me Wm P. Page A justice of the peace in and for lee County State of Virginia and made oath to two Certain corners to a tracts or Parcel of land now belonging to the heirs of Charles Dennington Deceas the corners stands as follows first standing on a North hillside one white oak thence a North west course to a white oak maple and sugar tree in a bottom on the west side of Joneses Creek and the said James Parsons further states that these ~~are~~ corners have been called the true corners to a survey made in the Name of Isaac Hughes the said Parsons says he has known these corners for fifty five or sixty years without Dispute until Recently this august the 29 1882

his
James + Parsons
mark

given under my hand this 29 day of august 1882 sworn to Before me on the 29 augst

Wm P. Page JP

James Parsons
Certificate

(F)

111

virginia lee county to wit

i do certify that levy Penington personally apeard Before me John P. Page A justice of the Peace in and for lee county and state of virginia and made oath to the following statements

Some several years a go Edwarde Pennington showed me som trees marked like a corner a white oak and maple perhaps a sugar tree said to be Samuel Sassaman corner on the West side of Jones Creek in a flat bottom between Jones Creek & the foot of a hill i do certify that the above state mente is correct to my beis & my belief this August the 29 1882

Levi Pennington

given under my hand this 29 day of august 1882

John P. Page J.P.

Jeevi Pennington
Certificate

(G)

John C. Pennington. Geo. B. Pennington A. D. Robins ~~son~~ and Polly Robins his wife, James A. Robins & Rebecca Robins his wife. Jno. Robins and Martha Robins his wife & Anderson Robins and Lavina Robbins his wife heirs at law of Charles Pennington dec'd, Vs. Dianah Pennington, Stephen Parsons. Joseph Parsons. Jessie Bailey and Mary Bailey his wife The unknown heirs at law of John ~~and~~ Parsons dec'd. The unknown heirs at law of Harvey & Elizabeth Bands, dec'd The unknown heirs at law of Peter and Sarah Datton dec'd, Jasper N. Parsons. James S. Parsons, F. M. Parsons. Wm. S. Parsons. John M. Parsons. David D. Parsons. Josiah Parsons A. J. Bailey and Mary A. Bailey ~~Mary A. Parsons.~~ Chas. A. Huffman ~~Phillips~~ and Martha ~~Phillips~~ Huffman & James E. Tritt and Rebecca Tritt. Span in Chy to July Rules 1887.

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon Diannah Pennington, Stephen Parsons Joseph Parsons, Jessee Bailey & Mary Bailey his wife, The unknown heirs at law of John Parsons dec'd, The unknown heirs at law of Harvey & Elizabeth Combs dec'd, The unknown heirs at law of Peter & Sarah Dalton dec'd, Jasper N. Parsons, James S. Parsons, G. M. Parsons, Wm. S. Parsons, John M. Parsons, Samuel D. Parsons, Josiah Parsons, A. J. Bailey & Mary A. Bailey his wife, Chas. A. Huffman & Martha Huffman his wife, James E. Tritt & Rebecca Tritt his wife

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House on the first Monday in (July) *next to answer:* a Bill in Chancery exhibited in our said Court against them by John C. Pennington, Green B. Pennington, A. D. Robbins & Polly Robbins his wife, James A. Robbins & Rebecca Robbins his wife, Zion Robbins & Martha Robbins his wife, and Anderson Robbins & Lavina Robbins his wife, heirs at law of Charles Pennington deceased.

~~upon a plea of~~ _____. ~~Damage, $~~ _____

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 1st *day of* July 1887 *in the* 111 *year of the Commonwealth.*

J. A. G. Hyatt, *Clerk.*

R. D. M.

John Pennington et al

vs } Chancery

Diamah Pennington et al

To July Rules 1887

Executed by delivering copies to J. N. Parsons, John M. Parsons, L. M. Parsons, Samuel Parsons, Josiah Parsons, W. B. Parsons, A. J. Bailey & wife, Chas. A. Huffman & wife, James E. Litt & wife and Diamah Pennington July 16th 1887

R. D. Flannary D. S.

Sheriff's Fee $5.50

Jonesville Va Aug 22 87.

I J. J. L. Duff Editor & Publisher of the Virginia Herald a weekly newspaper published in Jonesville Lee County Virginia do certify that the annexed Chancery order appeared four successive weeks in said paper ending July 15th 1887.

J. J. L. Duff
Pub

Publisher's Fee $2.00 is unpaid.

Virginia: In the clerk's office of the circuit court for Lee County July 1st 1887.

John C. Pennington Plft.
VS.
Diannah Pennington Defts. } In chncy.

The object of this suit is to obtain a legal title to the tract of land in the Bill mentioned; and it appearing from an affidavit filed in this cause that the defendant Stephen Parsons, Joseph Parsons, Jessee Bailey and Mary Bailey his wife, the unknown heirs at law of John Parsons deed, the unknown heirs at law of Harvey & Elizabeth Combs deed, the unknown heirs at law of Peter and Sarah Dalton deed, are non residents of the State of Virginia; It is therefore ordered that they appear here within one month after due publication of this order and do what may be necessary to protect their interest in this suit.

A copy Teste,

J. A. G. Hyatt C. C.

H. J. Morgan, p. q.

John C Pennington
V. S. 390 Ch
Certificate

Deannah Pennington

Order of Publication

Fee $5.00

W. H. H. P. Q.